

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

June 18-22, 2001

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-19	EX	75/469,984	Ocean Enterprises, Inc.	Cissel Hanak* Drost	whether applicant is seeking to register more than one mark [i.e., a "phantom mark"]; whether applicant's proposed amendment represents a material alteration of the mark shown in the original drawing	Refusal Affirmed (on both grounds)		"THE PUBS OF -----" [t-shirts and sweatshirts]		Singleton	No
6-19	EX	75/380,510	Mother's Cake & Cookie Co.	Seeherman Hanak* Drost	2(e)(1)	Refusal Affirmed		"COCONUTTY!" [cookies]		Loughran	No
6-19	EX	75/465,778	Vitasoy Int'l. Holdings Ltd.	Chapman Rogers* Drost	2(d)	Refusal Affirmed		"VITA" [soybean curd desserts, namely, pudding, custard and ice cream]	"VITALITE" [frozen yogurt and ice milk]	Spils	No
6-19	EX	75/536,451	US Airways, Inc.	Hohein Walters* Rogers	2(e)(1)	Refusal Affirmed		"PREFERRED" [transportation services, namely, airline passenger services in the nature of a frequent flier program having an elite tier offering a bonus program for frequent travelers]		Yao	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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6-19	EX	75/592,564	Idiag	Hohein (D) Hairston Bucher*	2(e)(1)	Refusal Reversed		"SPINALMOUSE" [data processors and computers; computer operating programs; computer programs and software for operating and measuring the input from spinal measuring devices and for collecting, processing and presentation of data in the field of orthopedic and sports medicine, neurology, physical rehabilitation and therapy; and computerized noninvasive scanning devices used to measure the shape and mobility of the spine and other parts of the body; medical apparatus and instruments, namely, physical exercise apparatus for medical purposes]		D. Taylor	No
6-19	EX	75/654,413	Eveready Battery Co., Inc.	Simms Cissel Drost*	2(d)	Refusal Affirmed		"ENERGIZER ACCU RECHARGEABLE" [batteries and battery chargers, not for use with solar energy cells]	"ACCU-CHARGER" [battery chargers and electrical power supplies]; "ACCU-CHARGE CONTROL" [control mechanisms for battery chargers and electrical power sources]	Boulton	No
6-19	EX	75/219,108	David Judaken	Holtzman Rogers Drost*	2(d)	Refusal Affirmed		"GARDEN OF EDEN" [restaurants and night clubs]	"EDEN" [restaurant services]	Krebs	No

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6-19	EX	75/749,128	Uproar Ltd.	Hohein Walters* Rogers	2(d)	Refusal Affirmed		"TRIVIA BLITZ" [entertainment in the nature of on-line trivia games provided via a global computer information network]	"BLITZ" [entertainment services in the nature of an on-line interactive sports related game]	Swain	No
6-19	EX	75/571,430	NetCarrier, Inc.	Simms* Cissel Drost	2(e)(1)	Refusal Affirmed		"NETCARRIER" [providing telecommunications connections to a global computer network; telecommunications services, namely, personal communication services; electronic transmission of messages and data]		Micheli	No
6-19	EX	75/362,796	Ahlstrom Corp.	Simms* Hanak Drost	whether the specimen of use shows a "substantially exact representation" of the mark shown in the drawing--i.e., whether the specimens demonstrate trademark use of the mark sought to be registered [mutilation]	Refusal Affirmed		"AHL" [machines and equipment for the pulp and paper industry, namely, agitators, mixers, digesters, thickeners, bleaching towers, presses, feeders, pulp screeners, pulp centrifugal cleaners, and replacement parts therefor]		J. McMorro	No

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6-19	EX	75/635,762	Turtle Mountain, Inc.	Walters* Wendel Bucher	2(d)	Refusal Affirmed		"SOY DELICIOUS" [frozen soy-based non-dairy confections]	"DELICIOUS" [ice cream, ice milk, frozen yogurt and sherbet]	Schiffirin	No
6-19	EX	75/772,303	Consumer Insurance Group, Inc.	Simms Seeherman* Wendel	2(e)(1)	Refusal Affirmed		"ETERM" [insurance brokerage services]		Carroll	No
6-22	EX	75/634,910	Texas Instruments Inc.	Hohein Chapman* Holtzman	2(e)(1)	Refusal Affirmed		"ACTIVE DSP" (in stylized lettering) [computer software for the operation of a data link between a general purpose processor and digital signal processing circuits]		Vanston	No
6-22	EX EX	75/597,997 75/597,998	Mesa Technical College	Simms* Hohein Bottorff	2(d)	Refusal Affirmed (in both cases)		"MESA TECHNICAL COLLEGE" and "MESA TECHNICAL COLLEGE" (and design) [both marks for educational services, namely, conducting classes, seminars, conferences and workshops at the college level in the field of paleontology and geology and distributing course materials in connection therewith]	"MESA" [educational services, namely, conducting pre-college programs in the fields of mathematics, engineering and science]	J. Kelly	No
6-22	EX	75/558,110	Reed Business Information Ltd.	Cissel Chapman* Rogers	2(d)	Refusal Reversed		"ATT" [air travel information services; providing an on-line computer database in the field of air transportation]	"ATT" [cargo and chartered air transportation]; "ATT" (in two different design formats) [both marks for touring and travel agency services]	Dwyer	No

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6-22	EX	75/651,572	Experience Music Project	Seeherman Quinn* Hohein	Section 6 disclaimer requirement (of the words MUSIC PROJECT)	Refusal Affirmed		"EXPERIENCE MUSIC PROJECT" [museum exhibition services; entertainment services, namely, live music concerts and live musical performances; educational services, namely, conducting classes in the fields of music, art and culture; production of musical programs; providing facilities for mobile live performances and live concerts; recording studio services for others; concert and concert promotions services; audio recording and production services; community services, namely, organizing and promoting events, presentations, programs, courses, conferences, mobile exhibits, workshops and performances related to education and music, production of films and videos related to education and music]		Tolpin	No

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6-22	EX	75/477,297	Wolford AG	Seeherman Hohein* Chapman	2(d)	Refusal Affirmed		"FATAL" (and design) [articles of clothing, namely, ladies' underwear and hosiery]	"NEAR FATAL" [clothing, namely, t-shirts, sweatshirts, jerseys, hats and shorts]	Baird	No
6-22	EX	75/327,773	Family Pharmacare Center, Inc.	Cissel Hohein Wendel*	2(d)	Refusal Affirmed		"FAMILY PHARMACARE" [retail pharmacy services, featuring prescription drugs, medicines, and pharmaceuticals]	"PHARMACARE" [computerized medical history and prescription services; administration of employee pharmaceutical benefits]	Isaacson	No

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